

Section 7

Interagency
C?????????n?

Section 7



Interagency *Cooperation*

Section 7



That's right, "cooperation" - a great place to start!
Cooperation is defined by words such as *collaboration*,
teamwork, *support*, *assistance*, etc.

Consultation is defined by terms such as *discussions*,
deliberation, *to ask advice*, etc.

Therefore, the proper context for section 7
consultation is that of a . . .
collaborative discussion or deliberation.

Section 7



Collaborative discussions or deliberations must take place in a face to face setting *for at least part of the consultation process.*

Experience has taught us that email or hard copy information exchange *alone*, does not facilitate a collaborative experience, and is not true consultation.

Section 7



Experience has also taught us that the time invested in these face to face cooperative discussions **early in the process**, *where the participants learn each other's agency's mission, statutory requirements, and limitations*, **is time well spent**; is necessary; that misunderstandings, misinterpretations, project delays, confusion, conflict and contention are *significantly* reduced or eliminated!

Section 7



Final Secret . . .

Agencies don't consult – people do.

Cooperative consultation never occurs unless/until at least two people, representing their agencies, start to communicate and understand each other's ***requirements and limitations***.

Section 7



Interagency Consultation Handbook Online

www.fws.gov/endangered/esa-library/pdf/esa_section7_handbook.pdf

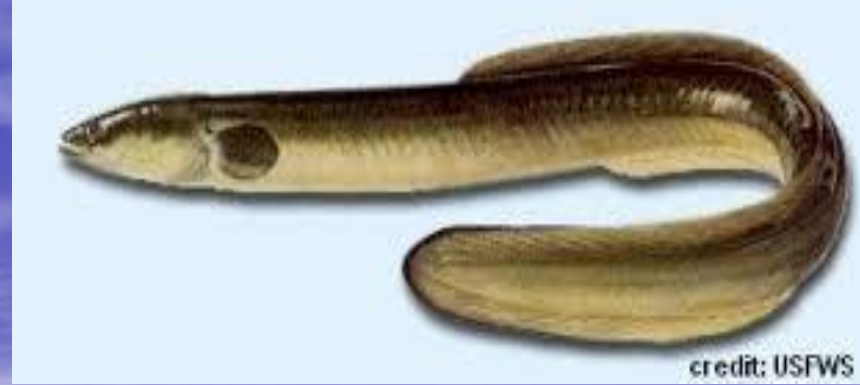
Section 7 (a)(1)



Federal Agency Actions and Consultations

All other Federal agencies ***shall***, in ***consultation with*** and with the assistance of the Secretary, ***utilize their authorities in furtherance of the purposes of this Act*** by ***carrying out programs*** for the ***conservation*** of endangered species and threatened species listed pursuant to section 4 of this Act.

Section 7(a)(1)



Integrating 7(a)(1) and 7(a)(2)

- 7(a)(1) should frame the context of every section 7 consultation.
- Think about whether the project/program is consistent with *conservation* of endangered and threatened species (individual project and cumulatively/programmatically).
- If it isn't, what measures can be implemented by the federal agency or applicant to make the project consistent with 7(a)(1) ?

Section 7(a)(1)

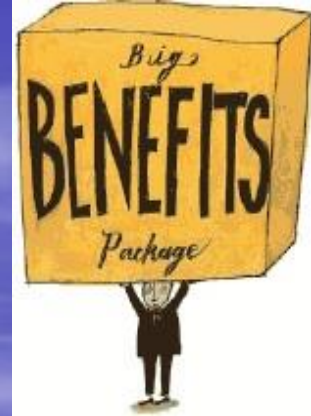


Benefits of Implementing 7(a)(1)

By ensuring that all Federal agencies are assisting in furthering the conservation of listed species, we will:

- Be more likely to fulfill the purposes of the Act (recovery) and quicken the time to delisting
- Streamline all 7(a)(2) consultations and reduce overall consultation workload
- Add predictability and regulatory certainty for short and long term planning
- Balance conservation with the agency's primary missions thereby reducing action agency resource conflicts, project delays, administrative appeals, and ESA-related litigation

Benefits of Implementing 7(a)(1)- *Cont'd*



- Enable agencies to leverage additional funds for conservation measures by identifying them in recovery plans, SSAs and in 7(a)(1) plans
- Reduce the chance of controversial and jeopardy consultations
- Promote numerous, positive conservation outreach opportunities
- Create management flexibility for implementation of core mission activities
- Decrease probability of listing of other candidate species and preclude additional consultation workload

Section 7(a)(2)



Each Federal agency **shall**, in consultation with the [Service] **insure** that **any action authorized, funded, or carried out** by such agency . . . **is not likely to jeopardize** the continued existence of any endangered species or threatened species **or result in the destruction or adverse modification** of [critical] habitat . . .

Q: What Triggers Consultation?

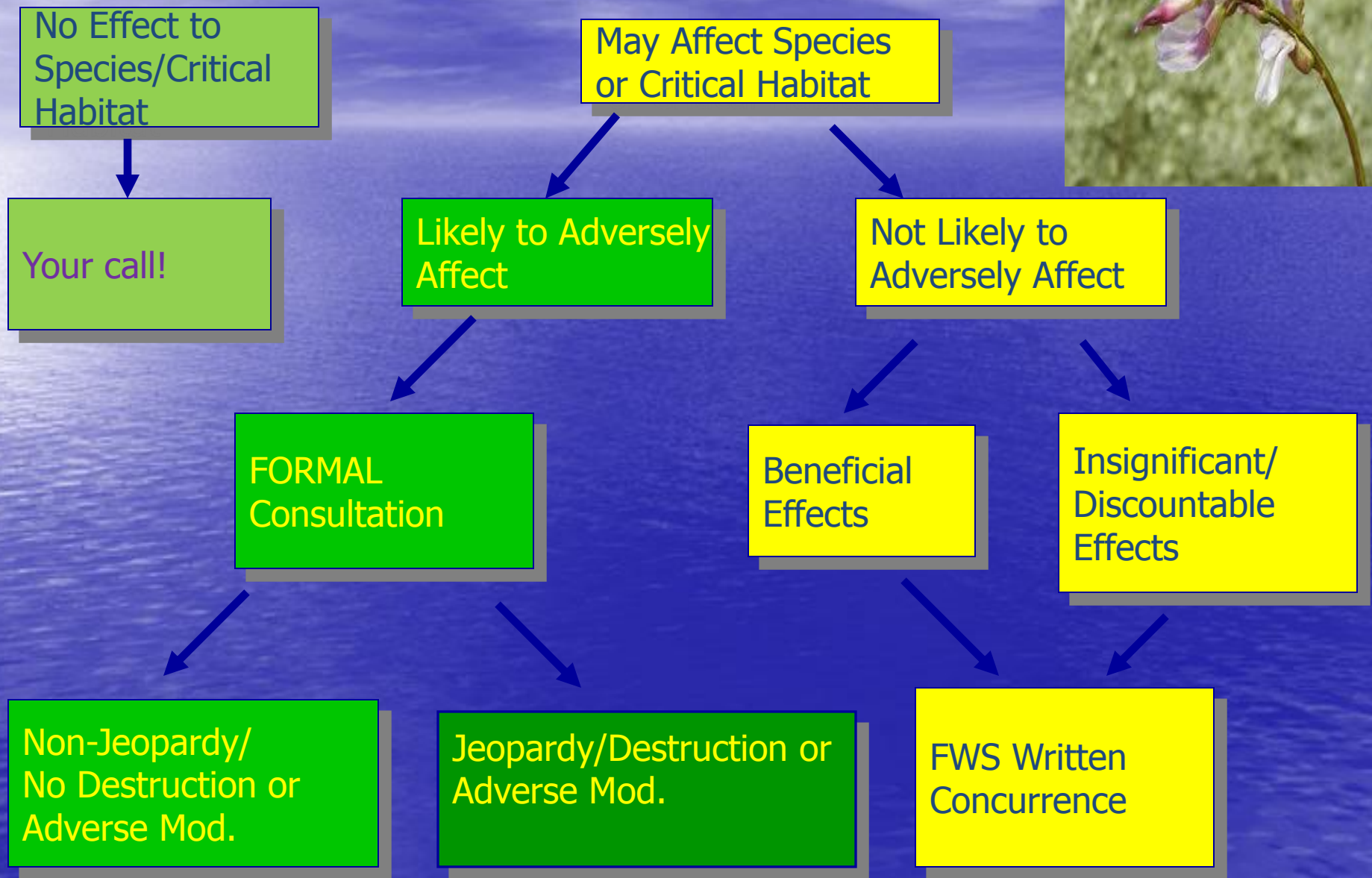
A: The species/critical habit **may be present** and the proposed federal **action, may affect** a listed **species** and/or designated **critical habitat**



Endangered Species Act – Section 7

■ = Informal

■ = Formal





U.S. Fish & Wildlife Service

Ecological Services

Northeast Region

Search

Ecological Services

Endangered Species

Habitat Conservation

Contaminants

Wetlands Inventory

News and Highlights

Two freshwater mussels added to endangered species list with designated critical habitat in VA



Service estimates economic impacts of critical habitat designation for rabbitsfoot mussel



Service estimates economic impacts of critical habitat designation for West Virginia fish



Read More

Endangered Species Act 40th Anniversary

Protecting Imperiled Animals
and Plants Since 1973

Join the celebration!

Find Endangered Species

Species in Your State:

Choose a State...

Species Search:

Species common/scientific name

Species in Your County:

Project Review Requests

Reviews under sections 7 (consultation) and 10 (incidental take permitting) are conducted by our field offices throughout the region.

Please contact the field office for your state regarding requests for early coordination, species list requests, species survey protocol, and other information relating to ESA project reviews.

Choose a state...

Connect with Us

Office Locations and Websites



Video

Twitter

Facebook

Flickr

More Resources

For Landowners

White-Nose Syndrome

Incidental Take/Habitat Conservation Plans

Laws and Policy

Plant and Wildlife Classification

National Endangered Species Program

About the Endangered Species Program

What we do

The Service leads recovery and conservation of our nation's imperiled species as the principal federal partner responsible for administering the Endangered Species Act.

Our Endangered Species biologists work with many partners, including tribes, federal and state agencies, companies, private landowners and conservation groups, to protect and restore listed and candidate species and their habitats.

These responsibilities include the following:

Classification: We assess the conservation status of species for their addition to, and removal from, the List of Endangered and Threatened Wildlife and Plants (List).

...Read more about classification and our other responsibilities.

Last updated: September 11, 2014

Site Map (Find what you're looking for)

Ecological Services Home Page

Northeast Home Page

Getting Started: Northeast Region's Endangered Species Web Page and Project Review Link. Get species list and project review recommendations.

<http://www.fws.gov/northeast/ecologicalservices/endangeredspecies.html>

